

REMARKS

Claim Rejections – 35 USC paragraph 112, second paragraph

1. Claims **39-41** and **43-61** are rejected under 35 USC paragraph 112, second paragraph.

In reply, the Applicant has changed the preamble of the claims to “ocular implant” to replace “device for modulating neuronal activity”.

In reply to independent claims **39, 44, 48** and **61**, the Applicant has amended the independent claims by adding the language of “wherein said device is oxidized and coated with a polyimide layer to reduce capacitance”, which is supported by the parent application.

In reply to claims **39,44, 48** and **61**, the Applicant has amended the claims **39,44, 48** and **61** to include “pump” now referring to “flow regulator pump”.

In reply to claim **46**, the Applicant has amended the claim **46** to clarify the structural relationship of the photodiode.

In reply to claim **47**, the Applicant has amended the claim **47** to clarify the relationship of the well, aperture, channel and reservoir.

Claim Rejections – 35 USC paragraph 103

1. Claims **39, 43-45, 48-49, 52** and **57-59** are rejected under 35 USC paragraph 103 as being unpatentable by *Iezzi et al.* (US Patent 6,668,190) in view of *Lu et al.* (US Patent Biomaterials 1999) and further in view of *Mallapragada et al.* (US Patent 6,676,675) and *Yang et al.* (US Patent 6,071,597)

In reply, the Applicant has amended independent claims **39, 44, 48** and **61** by adding the language of “wherein said device is oxidized and coated with a polyimide layer to reduce capacitance”, which is supported by the parent patent. The Applicant argues that the prior art of record does not teach or suggest the claims now in the application.

CONCLUSION

The Applicant hereby submits a bona fide attempt to address the rejections raised in the Office Action and to place all the claims in the application in a condition of allowance. Accordingly, allowance of the claims now in the application is kindly requested.

Respectfully submitted,



Ron Jacobs, Reg. No. 50,142
LUMEN Intellectual Property Services
2345 Yale Street, 2nd Floor
Palo Alto, CA 94306-1429
Phone: (650) 424-0100